

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JULY 12, 2006**

CALL TO ORDER

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Charles Lapp, Frank DeKort, Randy Toavs, Gordon Cross, Don Hines, Jeff Larsen, Gene Dziza and Kathy Robertson. George Smith, Nicole Lopez-Stickney, Traci Sears-Tull, Jeff Harris, and Kirsten Holland represented the Flathead County Planning & Zoning Office.

There were approximately 29 people in the audience.

PUBLIC REVIEW

Jeff Larsen reviewed the public hearing process.

**APPROVAL OF
MINUTES**

DeKort made a motion seconded by Toavs to approve the May 24, 2006 meeting minutes.

The motion was carried by quorum.

DeKort made a motion seconded by Robertson to approve the June 7, 2006 meeting minutes.

The motion was carried by quorum.

PUBLIC COMMENT

Allison McCarthy, 551 N Juniper Bay Rd, talked about her neighborhood and said developers have discovered the area. She said if all of the proposed developments in Somers are approved, it would increase the size of the area 270% and would ruin the character of the area. She talked about Somers Bay Villas. She asked the Board to remember the "big picture" as developments come to the Board for their approval and to take cumulative effects into consideration. She asked the Board to raise the bar as to what developers are required to do and what they are required to provide. She said limited County resources equal a limited ability to monitor what developers are really doing; without concerned neighbors some of these things would go overlooked. She asked the Board to consider the current 1987 Master Plan to protect view-sheds and water quality until they can secure the protective zoning they need. She asked the Board to consider, during their Growth Policy workshops, adding more specific wording to protect view-sheds, water quality, fish, eagles, osprey, and so many more things that make all of the lakeshore in our County a special place for locals as well as our visitors.

Aurelia Jackson (Wittlake), said her subdivision was item number 3 on the agenda and she would like to address some concerns at that time.

ZONE CHANGE/ BLASDEL (FZC 06-15)	A Zone Change request in the Evergreen and Vicinity Zoning District by Alice Blasdel, from R-1 (Suburban Residential) to R-3 (One-Family Limited Residential). The property is located at 502 Maple Drive and contains 1.39 acres.
STAFF REPORT	George Smith reviewed Staff Report FZC 06-15 for the Board.
BOARD QUESTIONS	None.
APPLICANT	Eric Mulcahy, of Sands Surveying, represented the applicant. He talked about the current Master Plan, zoning of the property, and the zoning district in which the property lies. He said if the Board approves this zone change it will be followed by a two lot subdivision.
AGENCIES	None present. Staff said there were no comments.
PUBLIC COMMENT	None.
STAFF REBUTTAL	None.
APPLICANT REBUTTAL	None.
MAIN MOTION	Robertson made a motion seconded by DeKort to adopt Staff Report FZC-06-15 as findings of fact and recommended approval to the Board of County Commissioners.
BOARD DISCUSSION	<p>Hines asked if the Board is approving the zone change for one lot or for more areas in the neighborhood.</p> <p>Smith said just one lot and referenced a map included in Board packets.</p> <p>Mulcahy said Mrs. Blasdel asked if other people in the neighborhood wanted to participate in the zone change, as suggested by Staff. They did try and solicit participation if anyone was interested but no one wanted to participate.</p> <p>Cross talked about the zone change and mentioned it setting precedent.</p>
MAIN MOTION ROLL CALL	On a roll call vote the motion passed 6-2 with Hines and Cross dissenting.

**PRELIMINARY
PLAT/
SUBDIVISION 123
AMD LOT 1
(FPP 05-84)**

A request by Mark Robison and Melvin Oftedahl for Preliminary Plat approval of the re-subdivision of Lot 1 of Subdivision #123, a four (4) lot single-family residential subdivision on 20.096 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 1100 Spring Hill Road in Kila.

STAFF REPORT

Nicole Lopez-Stickney reviewed Staff Report FPP-05-84 for the Board.

**BOARD
QUESTIONS**

Larsen asked why a variance wasn't requested for the road that split a lot in two.

Lopez-Stickney said it was brought to the applicant's attention but they submitted the same design with an additional easement.

Larsen said typically a variance is requested and didn't understand why it wasn't required. He also mentioned fire safety.

Robertson pointed out that a page of the Staff Report was missing.

Larsen asked about fire suppression and asked if it's typically proposed by the applicant ahead of time or if it's conditioned in the Staff Report.

Lopez-Stickney explained.

Larsen asked why no conditions were proposed for this subdivision.

Lopez-Stickney said Staff didn't feel, with the concerns and impacts of this subdivision, that any conditions could mitigate the concerns.

Robertson talked about a road near the subdivision and a steep drop-off. She also mentioned adjoining land around the proposed development and an open gate leading to another road.

APPLICANT

Olaf Ervin, of Montana Mapping, represented the applicants. He felt like he was placed in an awkward position. He didn't agree with some things in the Staff Report and felt like he was in rebuttal before even presenting. He talked about lot size and said the smallest lot was necessitated by the easement. He talked about storm-water retention and the reason there wasn't a request for a variance. He talked about access and upgrading the road to County standards. He discussed fire requirements for the area and said the applicants helped design their subdivision with fire safety in mind. He talked about the ponds on the property as a means of fire suppression.

Robertson asked about one of the lots, the requested hammerhead turn-around, and upgrading the road to County standards. She said it would make the lot significantly smaller and asked about the acreage.

**APPLICANT
CONTINUED...**

Ervin said it will make the lot smaller but it won't affect the location of the drain field or proposed building site. He didn't have an answer as to what the final lot size would be.

Robertson asked about the ponds for fire suppression and said there was no indication of that in the submittal.

Ervin said they passed that information on to Staff. He pointed them out on the map and said they're not exactly ponds but developed springs.

Robertson asked for a point of clarification on the gate.

Ervin explained.

Robertson asked for clarification on the house that once existed on the 20 acres.

Ervin said there was a house and a barn. He showed Robertson a photograph to clarify.

Larsen asked about the slope across the drain-field on lot 1.

Ervin said the lot line is the steepest and further explained. He pointed out a few things in the Staff Report and talked about slope.

Rick Breckenridge, of Montana Mapping, wanted to address a few concerns. He talked about the Staff Report, specifically item #7 of the Findings of Fact. He brought the pre-application form and said at that time Staff said it complied. He said he finds that a bit troubling since it was discussed and okayed during the pre-application meeting. He talked about the substandard road condition mentioned in item #5. He asked the Board to question Staff's use of the County Road Department for air quality. He said if you are going to report a finding of fact, you should get a qualified expert. He talked about vehicle trips per day and said it would be 30, not 40 as suggested. He talked about the variance, which wasn't requested because this is a re-subdivision of Subdivision #123 and the variance had already been requested. He talked about fire safety and recharge facilities. He talked about the easement, storm-drainage, and topography and natural terrain in regards to the subdivision design. He said the burden of proof is on him and his clients and he said they are taking this opportunity to develop these tracts of land, which are accessed by a road built to County standards. He encouraged the Board to take a look at things that could possibly be mitigated and to consider this development. He said this is the chance to have these roads upgraded.

Robertson asked about lot 3 and asked if it reflected the detention pond.

**APPLICANT
CONTINUED...**

Breckenridge said yes and said they put a culvert in there to protect that and to facilitate storm-drainage.

Robertson asked if the applicant would be amenable to giving lot 1 to the County or making it parkland since it's going to be so small by the time it's done.

Breckenridge talked about the applicant being willing to bring things up to County standards.

Mark Robinson, 1255 Kienas Rd, talked about the best use for this property. He talked about obtaining the approach permit and the small 1-acre lot. He talked about lot 1 and the consideration of making it parkland but said from a financial standpoint, they would about break even.

Robertson talked about parkland and maintenance.

Larsen said the County probably wouldn't take that on as a County Park.

Robinson said he really wouldn't want to dedicate that area as parkland because it tends to go un-maintained. He talked about the gate on the property and said it hasn't been locked.

Robertson said she just mentioned it but said it doesn't really matter.

AGENCIES

Staff stated there were no written neighbor comments.

Larsen said there were agency comments from the Montana DNRC, Superintendent of Schools, Road Department, and Weed & Parks.

PUBLIC COMMENT

None.

STAFF REBUTTAL

Not called for.

**APPLICANT
REBUTTAL**

Not called for.

**BOARD
DISCUSSION**

Lapp asked if anyone on the Board has ever acted on a proposal like this without conditions.

The Board discussed Lapp's question.

Lapp said he was asking because he didn't know what kind of motion to make.

**BOARD
DISCUSSION
CONTINUED...**

Larsen said you would either have to adopt the Staff Report and make up conditions or recommend denial.

Holland reminded the Board there's always a set of standard conditions that could be implemented.

MAIN MOTION

Cross made a motion seconded by Hines to continue this project until such time Staff has the time to meet with the applicant and establish conditions.

**BOARD
DISCUSSION**

Larsen asked Staff if they would have to get permission from the applicant to request additional time.

Harris said this item has been postponed once and Staff would be amenable to meet with the applicants.

Breckenridge said they pulled this proposal the first time because they were shocked there were no conditions in the Staff Report. He said they have made contact with the Staff since then and said perhaps the Board would have more weight in facilitating a meeting with Staff.

Larsen asked if they would be agreeable to a time extension.

Breckenridge said yes but would let the applicants address that.

Mr. Robinson said they were originally scheduled for March, then May, and now July. He wanted to know what kind of time frame they would be looking at.

Larsen said they would ask Staff to bring it back at the earliest possible meeting and said it would be beneficial to the applicant's to have conditions established.

Mr. Robinson said he would be agreeable and doesn't see much choice. He would like to get back in front of the Board without having to "get in line" again.

Harris asked for some direction from the Board and discussed Staff's issues with the small lot. He said Staff's opinion of the 4 lots in this location, given the one lot of approximately one acre, is that it doesn't fit.

Robertson talked about this piece of property being an "eye-opener."

**MAIN MOTION
ROLL CALL**

On a roll call vote the motion passed unanimously.

**PRELIMINARY
PLAT/
OAK TREE
ESTATES
(FPP-06-29)**

A request by Aurelia E. Wittlake for Preliminary Plat approval of Oak Tree Estates, a twenty-five (25) lot single-family residential subdivision on 59.34 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 2665 Columbia Falls Stage.

STAFF REPORT

Traci Tull reviewed Staff Report FPP 06-29 for the Board.

**BOARD
QUESTIONS**

Robertson asked about Condition #5 and asked Staff her intent on changing it.

Tull explained.

APPLICANT

Thor Jackola, of Jackola Engineering, represented the applicant. He talked about Columbia Falls Stage Rd, storm-water drainage, septic systems, individual wells, Badrock Fire Department, stop signs, and subdivision improvements.

Larsen asked about the conditions in relation to the stop signs.

Aurelia Wittlake, 205 JB Drive in Polson, said she lived on this property for 40 years and used to farm it with her family. She said subdividing seemed like the best thing to do because people don't want to farm small pieces of land. She said if this subdivision doesn't go through, she would probably have to sell the whole piece and it would probably get subdivided in the future.

Larsen mentioned to Staff he didn't receive a map, which showed the well and septic layout.

Tull handed out a map for the Board to pass around.

AGENCIES

None present. Letters were received from MDOT, Superintendent of Schools, and the Road Department.

Larsen said there were 7 letters received in opposition. The main concerns were high water table, wildlife, septic, and impact to roads.

PUBLIC COMMENT

Tim Gilk, 699 Trap Road in Columbia Falls, owns 20 acres west of the subject property. He expressed concern for the topography and slope, storm-water runoff, water quality, and covenants. He wanted to know why perk tests weren't done along the eastern edge of the property. He said they have horses and dogs and were concerned with other dogs running free and how they would interact with their horses. He talked about the wildlife corridor, and light and noise pollution that comes with additional homes. He talked about the safety on Columbia Falls Stage Road. He said there is a tremendous amount of land surrounding the subject property and said if this were approved it may set a precedent. He talked about home sizes and lot sizes in the area.

**PUBLIC COMMENT
CONTINUED...**

He asked the Board to help maintain the aesthetic setting and openness of the area and urged them to deny the subdivision request. He said hopefully the Growth Policy will help dictate how things can be subdivided while also being financially beneficial to the applicant.

George Sherman, 2730 Columbia Falls Stage Rd, owns 68 acres directly across the street from the applicant's property. He pointed out where his driveway is on the map. He said it's a dangerous place to have a road coming out and thinks additional traffic would be a safety hazard. He talked about the density of Pheasant Run and how that was deemed incompatible with the neighborhood; he pointed out the proposed development is in close proximity to where that development was proposed. He doesn't want Mrs. Wittlake to be denied the right to subdivide her property but would like to see something more conducive to the neighborhood.

Thor Mertz, 710 Trap Rd, said the land being proposed for subdivision is very good agricultural land and has been used for winter-range elk passing through. He said you will be unable to manage those herds if you put 25 2-acre lots on that property; they will become more of a nuisance. He talked about high water table, water and sewer, and area wells. He talked about cash-in-lieu of open space and said it would be good to maintain the open space. He said the 2-acre lots are way out of character with the surrounding area, sets precedent, and would reduce the quality of life in the area for the people that currently live there. He thinks lots of 10-acres or greater would be preferable and allow for the maintenance of agriculture, the ability to have horses, and provide for big game.

Virgil Pederson, 170 River Estates Dr, talked about Columbia Falls Stage Road and its capacity. He said according to the current Master Plan, the road is considered a collector road and is supposed to have a maximum of 900 trips per day. He talked about impact fees and taxpayer increases.

Julie Helbach, 150 River Estates Dr, talked about Stage Road River Estates Phase 3 (*a.k.a. Pheasant Run*) and the small lot sizes. She talked about the density in the area and said the proposed development would add another 25 houses to the area and read some statistics to the Board. She said this is a rural area and talked about the sprawl and development in the valley. She talked about the existing wildlife corridor and said it provides grazing for elk and is a pathway to the Flathead River for many wildlife species. She said the existing condition of Columbia Falls Stage Road needs to be considered. She asked the Board to say no to the proposal and to send it back to the developer to come up with a plan that is consistent with the neighborhood.

**PUBLIC COMMENT
CONTINUED...**

Laura Miller, lives on Columbia Falls Stage Rd, mentioned some excerpts from the current Master Plan, particularly about the Deer Park area, which she felt was relevant to their area. She mentioned the wildlife corridor, open space, and agricultural lands. She said Columbia Falls Stage Road is a very scenic road and is an asset to the County. She continued to read sections of the Master Plan and noted how they apply to this area. She said we need areas where people can have horses and space; she said some areas need to be preserved! She quoted the Staff Report in regard to the River serving as a corridor and its value to wildlife. She isn't opposed to development but wants to fight for the character of the neighborhood.

Linda Miller, 615 Trap Rd, said the lot sizes are too small and said the area can't handle the proposed number of lots without causing major safety issues on Columbia Falls Stage Rd. She said the area is critical to a winter elk herd and other wildlife. She said the subdivision would jeopardize the water supply because there is a high water table out there.

Kate Kendall, 2730 Columbia Falls Stage Rd, talked about the small lot sizes, covenants to protect lighting, safety hazard on Columbia Falls Stage Road, and the overall density.

Pat Arnone, 595 Lauman Rd, said there are over 20,000 vacant lots in Flathead County right now. She said the lot sizes proposed are inappropriate for this area and referenced the Master Plan. She said the houses that would be placed on the lots would affect the elk herd. She asked the Board to please leave some open land for the elk.

**STAFF
REBUTTAL**

Tull addressed the applicant's concern about condition #3 regarding yield signs as opposed to stop signs. She also mentioned condition #5 regarding curbing and ditches.

**APPLICANT
REBUTTAL**

Wittlake reiterated that she had lived on the property for 40 years. She said they had deer, wild turkeys, Chinese pheasants, raccoons, skunks, bear, and even moose on the property. She talked about an elk herd that spent a winter on the property. She said hunters shot at the elk and they haven't been back since. She continued to talk about the wildlife corridor through her property and said she lived there long enough to know there aren't that many animals there; she said it's being over exaggerated. She said if the subdivision doesn't pass she will have to sell the whole parcel.

MAIN MOTION

Hines made a motion seconded by Robertson to adopt Staff Report FPP-06-29 as findings of fact as amended and recommended **denial** to the Board of County Commissioners.

BOARD DISCUSSION

Lapp talked about the approach for this property and said it would be in close proximity to another road. He said the applicant's sold 20 acres to the north and pointed out a 120-acre parcel next to it on the map. He expressed concern regarding access. He talked about the elk herd in the area and said they've only been there about 2 years. He said the farming practices in the area give them the food and they pass through occasionally. He talked about the topography and said there's very little timber on this property. He said he looked at the test holes they dug, which came up dry. He said people may bring up sensitive subjects but facts are facts.

Robertson stressed the importance of the concerns of people who live in the area and said they have a right to say what happens in their community.

Larsen asked if there were any covenants proposed.

Wittlake said there will be covenants, however they aren't written yet.

Larsen asked about the perk test on the east end of the property and asked the applicant to address it.

Jackola said they had extensive discussions with Jere Johnston, who is a registered sanitarian. He said they organized these lots so they could have septic systems. He said the characteristics of the soil are good.

Lapp talked about the reconstruction of Columbia Falls Stage Road. He said he doesn't have a problem with the concept of redoing the road but said it should be equitable for everyone. He said one guy may have to put in a lot of work and expense and everyone else gets to tag along for nothing.

Larsen said maybe there needs to be some sort of "latecomer" fee.

Toavs said the Board has done all they can do and said the community may need to get together to come up with something. He said the Board denied a subdivision across the street because of lot size. He continued to talk about other subdivisions in the area and compared them to this development. He was opposed to the density and said the land could be used better in regard to the design. He said he could see this becoming a pattern of lot sizes getting smaller and smaller in the area.

Lapp talked about the County Master Plan in regard to developing farmland and read some excerpts in regard to lot size. He asked Toavs if he wants to see bigger lots or cluster-type subdivisions.

Toavs said he would have to see what's brought before the Board, but

**BOARD
DISCUSSION
CONTINUED...**

in this case would rather see less septic systems and wells. He would rather see something with community services or bigger lots. Hines talked about the number of lots in regard to the number of wells. He talked about small lots and clustering.

DeKort said the density is too high for the character of the neighborhood. He said he would rather see a cluster-type development with community wells and septic systems. He said he couldn't support it.

Toavs said in this case, he would rather see larger lots because it's a field that's out in the open. There wouldn't be anything to hide the homes in a cluster-type development. He said it would be different if it were treed.

Lapp said Wittlake lived there for 40 years and would like to see her be able to benefit from the property instead of somebody else. He wanted to give her some direction so she can still do something with the property that would be palatable to the community and the Board.

Dziza didn't want to discourage Mrs. Wittlake either but said something nicer could be done with the property to make it more compatible with the area.

Larsen said the Board turned down a development across the street with about the same density and said there has to be some consistency. He said the road concerns are valid; it's a safety issue.

**MAIN MOTION
ROLL CALL**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Holland asked if the Board would reiterate their reasons for recommending denial.

The Board said their main concerns were density and road safety.

**ZONE TEXT AMD/
FLATHEAD CO.
FZTA 06-02**

A request by Flathead County for a Zoning Text Amendment to Section 3.03.020(9) of the Flathead County Zoning Regulations which addresses the application of zoning regulations to sand and gravel extraction operations and associated asphalt and concrete batch.

STAFF REPORT

Kirsten Holland reviewed Staff Report FZTA 06-02 for the Board.

**BOARD
QUESTIONS**

Cross asked if Staff had an opportunity to express their concern during the time this amendment was being handled by the Gravel Committee.

Holland said they made it clear Staff doesn't support it for AG-20 zones, based on a residential nature. Forestlands were also discussed and the committee was aware this amendment would not be supported

by Staff.

APPLICANT

The Gravel Advisory Committee, convened by the County Commissioners, requested this amendment on behalf of Flathead County.

**BOARD
QUESTIONS
CONTINUED...**

Lapp asked Staff about paragraph #10.

Holland said it was part of the text amendment and was part of resolution 955GM.

Harris commented on how the committee came to be.

Lapp said he had more questions but they may be answered during the public hearing.

Toavs talked about the West Valley zoning district and a gravel issue brought before the Board. He talked about the West Valley zoning district and said it was residential.

Holland said a court ruling said West Valley could be viewed as residential.

Toavs asked if this amendment would eliminate gravel extraction in the rest of the West Valley area.

Holland said the amendment means it could be prohibited; it doesn't mean it would be. She talked about forestland and said some may be ideal for gravel extraction. She said by approving the AG-40 and AG-80 zoning designations, someone couldn't be prohibited from having a gravel pit, only reasonably conditioned. She said the goal of a Conditional Use Permit is to meet the conditions in order to operate.

Harris said this amendment speaks specifically to the AG zones. He said the court decided West Valley is residential, so permits can be conditioned; if concerns can't be mitigated, they can be prohibited. He said they are prohibited in all "R" zoning districts. He said there are not zoning districts to correspond with AG land and timber land; there's no way to make an application to the zoning regulations. He said Staff couldn't support that because there's no context in the regulations.

Toavs talked about forestland, agricultural land and acreage.

Harris said if they were in a land use category and a definition for these, you could apply this amendment to those. As of now, there's no way to apply this. He talked to the County Attorney who said you can't implement agriculture and timber areas unless they are defined as a zoning district. He said Staff isn't arguing whether or not it's a good

**BOARD
QUESTIONS
CONTINUED...**

concept, there are just no districts that address agriculture and timberlands. He said you have to apply this amendment to a district. Toavs said West Valley is a zoning district.

Holland talked about the West Valley Zoning district and the proposed amendment. She talked a little bit about why Staff can't support the amendment.

Harris talked about the different zoning districts and said this text amendment would create a tier for gravel operations. He said forestlands are not a zoning or use district, it's a definition for tax purposes. He said you can't add something to the zoning regulations that's not defined by a district.

Lapp asked Staff about the West Valley District and talked about acreage.

Holland said you need a certain sized parcel to mine. She said West Valley can be viewed as residential so gravel operations could be prohibited.

Lapp said the gravel is where the gravel is. He asked if there's ever been a gravel inventory done by DEQ showing where the gravel is in the valley.

Holland said there isn't a map that she knows of.

AGENCIES

None.

Holland said there was only one public comment and proceeded to read it to the Board.

PUBLIC COMMENT

Michael Kakuk, Attorney out of Helena, talked about the text amendment and the Staff Report.

Greg Stevens, PO Box 4519 in Helena, represented the Montana Contractor's Association. He said he could simplify this amendment for the Board. He said what the Commissioner's are trying to do is get Flathead County in sync with Montana Code Annotated; that's why they appointed the Gravel Advisory Committee. He talked about utilization of gravel resources and M.C.A. He read parts of the Staff Report and said he disagreed. He talked about enforcement and said he doesn't see it being a problem as expressed in the report. He talked about the AG-20 zone and read a portion of the zoning regulations; he said it's not a residential zone. He talked about the original language the Commissioner's wanted the Board to review as part of this amendment. He urged the Board to accept the language as proposed by the County Commissioners.

**PUBLIC COMMENT
CONTINUED...**

Rick Breckenridge, 1405 Hwy 2 W, talked about the composition of various Boards. He talked about a zone change he brought before the Board a while back. He said the interpretation of Staff is neglecting the fact that there are smaller parcels in some of the larger zoning designations and said the "15 contiguous acres" alleviates the situation in those areas where you have nonconforming parcels. He said the amendment would take care of parcels that are noncompliant to begin with. He said the Board needs to consider the ramifications of Staff's recommendation on this; he said this would put people out of business on Cemetery Road. He said the County and State would suffer from these consequences as well.

Jerry Nix, 43 Sunrise Drive, spoke as a member of the Gravel Advisory Board. He talked about the JTL Gravel Pit and how they felt the County shouldn't regulate gravel pits. He talked about residential zones, a zoning amendment that was adopted, AG-40 and AG-80 zones, and contiguous 20-acre parcels. He said 20-acre parcels could be considered residential. He concurred with the Staff Report and said if people have a problem with the zoning regulations, they will have an opportunity to address that after the new Growth Policy is adopted. He said all the neighborhood plans will need to be updated as well. He said this isn't a proper venue to address this text amendment. He said the County can regulate and restrict gravel pits and said the BOA has done a good job handling gravel pit proposals by administering reasonable conditions. He responded to Breckenridge's comment about the gravel pit by Airport Road and said it's grandfathered in and wouldn't be affected.

Ron Buentemeir, of Stoltze Land & Lumber, said there were only a few people in the room who were involved in the West Valley Plan. He gets angry when people say he hasn't participated and said he has worked more hours than anyone in the room trying to work out planning and solutions. He showed the Board a map of their ownership in the West Valley area; he said the County made over 8,000 acres of their land residential even though it's timberland. The land shown on the map is where they get about 25% of their wood, which means 75% has to come from somewhere else. He put forth the 15-acre parcels because it's the only way he could figure to define timberlands. He pointed out large blocks of land that are zoned AG-20; he said they can't do anything with those parcels. He talked about a gravel pit he has that's been permitted for a long time. He talked about a gravel pit on Rhodes Draw that was conditioned to haul 6 hours per day; he said that's not practical. He totally disagreed with Staff and said the text has to be changed somehow. He talked about the Growth Policy and said if they wait until that's done, timberland is going to be in small lots and they are going to be left to deal with it. He read a letter he wrote to Gary Hall. He said Stoltze timberland is now designated as residential, in

**PUBLIC COMMENT
CONTINUED...**

certain areas. They have owned their land for a long time and said their use is being restricted for the benefit of the newcomers. He said Stoltze wants to be good neighbors but they need to use their land for their benefit.

Paul Clark, 3070 Farm to Market Rd, said a map was presented at the West Valley committee meeting proposing to divide the district into four areas. He talked about Les Keller's pit and said he volunteered to have reduced hours of operation during school days. He talked about the Gravel Committee and said they have run closed meetings, which doesn't serve as a "community" board. He thinks this amendment is a "wish list" for the Gravel Committee. He said they are only talking about half of the issue. He talked about decreased property values on homes that are in close proximity to gravel pits, alluvial fans, and covered gravel trucks. He said this is a major issue for people in rural areas and asked the Board to do the right thing.

Brett Fischer, member of the Gravel Committee, talked about the process of people being appointed to the committee and said their meetings were not closed, they were advertised by the Planning Office. He talked about neighborhood plans and said it's hard to come up with language that covers everything when each plan is different. He talked about a "blanket" effect on the sand and gravel industry. He said they need to find a way to apply this standard uniformly throughout the County. He expressed concern for reasonable conditions imposed on gravel pits. He doesn't understand why a pit couldn't go on hundreds of acres of contiguous agricultural land; he can't think of a better place in the Valley where a pit could go.

Bruce Tutvedt, 2335 West Valley Dr, supported the M.C.A.'s position and said this mess needs to get cleaned up. He said the last sentence of this amendment cleans everything up and protects residential areas. He said pits should be reasonably conditioned so neighbors know what's going on. He talked about residential zoning in West Valley and the court ruling. He wondered if this makes it residential forever. He continued to talk about West Valley and open spaces. He said they are trying to differentiate between what's residential and what's not. He said there needs to be some size for industry predictability. He said pits are not being reasonably conditioned and stated Krueger's pit is not allowed to do recycling, which is not reasonable. He said there's 44,000 acres and said it's not all really residential. He thinks you need to define what's residential and what's not and look for solutions to meet state law.

Mayre Flowers, of Citizens for a Better Flathead, talked about the process. She said the zoning text amendments are required to go through 2 public hearings. She said Staff has done a very good job analyzing the text amendment that was given to them. She said the Staff Report is an important tool for the public to be able to look at the

**PUBLIC COMMENT
CONTINUED...**

issues. She spoke in support of the Staff Report and thinks Staff raised some good issues based on the County Attorney's advice. She thinks Stoltze Lumber Company is a very important industry in the community and thinks we need to find ways so they have options within their property. She thinks there are tools to do it but they can't solve everything tonight. She said it was unfortunate there was not a more workable solution but thinks it's an issue that could be brought back more appropriately.

Mark Schwager, PO Box 7635, lives in West Valley, stated he was at the April 10 meeting with the County Commissioners. He said the contention at that time was the 15-acre size. He said they "kicked it back" to the planning staff and that's how it got back to this point. He asked the Board to consider the Staff Report.

Joe Grantee, 322 Rhodes Draw, thanked the Board for taking the time to listen. He said he doesn't agree with all of the Staff Report but thinks it's something to get the ball rolling. He understands the needs and concerns of the large landowners but said as a residential landowner, he has needs and concerns as well. He said there are going to be other opportunities down the road and talked about the Master Plan. He said people need to work together and be good neighbors. He said this is a good start.

STAFF REBUTTAL

Harris said the County Commissioner's appointed the Gravel Committee. He said Staff worked with the committee and he enjoyed doing so. He said they are a good working group of individuals. He talked about tax notices and said they are based on the present or current use of the land and said those uses change. He said it's difficult for Staff to understand how you can apply a tax assessment for a use that sets a rate to a zoning district. He said zoning districts are handled through zoning regulations and taxes are collected by the treasurer. He said no one is arguing over 40 or 80 acre parcels. He said the question is what you do with AG-20.

Holland mentioned Whitefish Hills to show the type of development that is appropriate in an AG-20 zone.

**APPLICANT
REBUTTAL**

N/A.

MAIN MOTION

Cross made a motion seconded by Robertson to adopt Staff Report FZTA 06-02 as findings of fact as amended and recommended approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Cross said no matter what, gravel issues aren't going to go away. He said what they are trying to do here is correct some obvious wrongs. He was prepared to accept Staff's analysis on the situation.

**BOARD
DISCUSSION
CONTINUED...**

Hines talked about making a motion to amend the motion to add language to be passed on to the Commissioners.

Lapp asked if amendments should be made to something the Commissioners are amending.

Holland said the Commissioners sent this amendment back to Staff, to evaluate the language that was proposed, and said the Board can make changes if they disagree with her evaluation. She wanted to let people to know this amendment wasn't a directive from the Commissioners to pass this through, it was meant to be evaluated.

Larsen said the Board can do whatever they want.

Lapp talked about acreage and said if people have a big enough piece of land they should be able to have a gravel pit. He said you've got to get the gravel where the gravel is at.

DeKort talked about 20 acre lots and said they are a problem. He said wording is a problem when it comes to adjoining landowners.

Harris said parcels zoned for 20 acres can be subdivided without concern.

Holland said Staff doesn't support what the committee is proposing and thinks that's been made clear. She said it needs some work and may require a larger forum with committee members representing all sides.

Toavs talked about acreage, forest land, and agricultural. He said as long as it's considered forestland, the acreage doesn't really matter. He said if there's a problem with the 15-acre size, raise the acreage.

Robertson said the way a parcel is taxed has nothing to do with zoning.

Toavs said the wording isn't quite right either. He doesn't want to say no because of the 15-acre issue. He continued to talk about forestland and what's agricultural.

Robertson said the motion is for the amendment that Staff came up with.

Toavs said he's not ready to support either one of them.

Larsen said the amendment was rushed through the Board. He mentioned he had asked to see a gravel inventory a while back. He views AG-20 as an agricultural zone and feels the Board is in a situation with unintended consequences. He thinks they need to add some language and would like to see it sent back to be worked on. He said it's a difficult thing for the Board to consider.

**BOARD
DISCUSSION
CONTINUED...**

DeKort read the following sentence for the Board to consider: Contiguous parcels in AG-20 zone, which are comprised of 40 acres or more, shall not be considered as being in a residential zone.

Holland said that could work but wanted the Board to understand Staff cannot regulate the forestland issue as it's proposed by the committee.

The Board discussed the motion on the table and talked about amending the main motion.

**MOTION TO
AMEND MAIN
MOTION**

Cross made a motion to amend the main motion to include the added sentence at the end of the Staff proposed amendment stating: Contiguous parcels in AG-20 zone, which are comprised of 40 acres or more, shall not be considered as being in a residential zone.

**BOARD
DISCUSSION
CONTINUED...**

Harris said it may be possible to do an overlay. He said the Board is amending the zoning regulations so what's being done needs to be clear. He said Staff would have to come back with changes.

Larsen said that's what he thought would have to happen. He talked about having an open space area in a cluster development and asked Staff if a gravel pit could be put there.

Harris said that's never came up.

Robertson said the clustered subdivision would probably be considered residential.

Holland said the subdivision itself could be considered residential but that doesn't mean the zone would be.

Harris said you usually preserve those open spaces in perpetuity, which would probably preclude a gravel operation. He said you would maintain that current use, which would have open space character.

Larsen asked if the amendment would go back to Staff for more work to be done on it if the motion were denied.

Holland said not necessarily.

Larsen said a separate motion could be made to ask Staff to continue to work on the amendment.

Harris said they could make a separate motion asking the Commissioners to send this back to the Committee to work on.

**MAIN MOTION
ROLL CALL
MOTION**

On a roll call vote the motion failed 5-3 with Robertson, Cross, and DeKort in favor.

Cross made a motion seconded by DeKort to continue the amendment until Staff has time to work on the language to more closely reflect what the Committee and Commissioners sent forth.

ROLL CALL

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Hines asked Lapp about what's going on with the Long Range Planning Task force.

Lapp said he would find out and said he hasn't gotten anything from Myrt Webb.

Cross asked about a letter he was supposed to sign.

Larsen got it for him.

NEW BUSINESS

Larsen said the Commissioners want to have a lunch with the Board and wanted to make sure he could go ahead and set up a date for everyone to meet.

The Board was okay with it.

**MOTION TO GET
GRAVEL
INVENTORY**

Toavs made a motion seconded by Robertson to request a gravel pit inventory.

**NEW BUSINESS
CONTINUED...**

Toavs said every time the Board comes to the meeting they talk about having one of those.

Hines said that would make a good editorial project.

Toavs said he didn't know what the process would be in appointing someone to do it.

Harris said an existing committee could probably do it.

Larsen said Staff could probably handle the wording.

Harris said Staff has a map provided by the committee but they don't know where the root sources are.

Cross said you may want to check with the folks at Yellow Bay to get someone from the science community instead of just the gravel guys.

Lapp suggested Rod Samdahl from DEQ because he does all the Open Cut stuff.

ROLL CALL

The motion was carried by quorum. Hines was not in favor.

**NEW BUSINESS
CONTINUED...**

Harris said Staff could draft a letter to the County Commissioners to carry out their request.

The Board discussed the request.

**MOTION TO
REQUEST
CONDITIONS ON
ALL REPORTS**

Toavs made a motion seconded by Hines to request conditions be placed on all Staff Reports.

ROLL CALL

The motion was carried by quorum.

**NEW BUSINESS
CONTINUED...**

Cross said it might make sense to think in terms of the Growth Policy when dealing with gravel. He said it's almost a special use area and said maybe that could be incorporated into the revisions of the Growth Policy. He said if that kind of map were available it may avoid conflicts.

Hines said maybe the County could go into the gravel business and export gravel from the landfill.

Harris said Staff met with Tom Reynolds from GIS. He said the County has hired a new person to come up with addresses and road names for emergency response. He read a new standard condition for final plats. He passed around a letter regarding Kim Fleming's resignation. He said the Commissioners rejected her letter of resignation. She reconsidered, and decided she would resume her position on the Planning Board beginning at the next Planning Board Growth Policy workshop. He briefed the Board on what would take place during their workshop. He talked about the attendance at the Growth Policy open house meetings and said they have been pretty well attended.

Tull invited the Planning Board members to an open house Monday from 4-6 p.m. with representatives from FEMA, PBS&J, and the Montana DNRC. They will be doing a sneak-peek on the new D-FIRM maps, which is a new digital mapping format for floodplain maps.

Harris introduced Jennifer Thiesen as the new Board Secretary.

ADJOURNMENT

The meeting was adjourned at approximately 11:00 p.m. on a motion by DeKort seconded by Hines. The next meeting will be held at 6:00 p.m. on July 19, 2006.

Jeff Larsen, President

Jill Goodnough, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 8/16/06